

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

TRAFALGAR POWER, INC., et al.

Plaintiffs,

vs.

Civil Action No.
5:99-CV-1238 (DNH/DEP)
(Lead Case)

ALGONQUIN POWER CORPORATION,
INC., et al.

Defendants.

ALGONQUIN POWER CORPORATION,
INC., et al.

Plaintiffs,

vs.

Civil Action No.
5:00-CV-1246 (NPM/DEP)
(Member Case)

TRAFALGAR POWER, INC., et al.

Defendants.

APPEARANCES:

OF COUNSEL:

FOR TRAFALGAR PARTIES:

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DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

DECISION AND ORDER

Currently pending before the court in connection with this matter is a motion by Trafalgar Power, Inc. and Christine Falls Corporation (collectively "TPI") for reconsideration of a prior decision of the court denying TPI's request for an extension of the deadline for its completion of fact discovery in the case from November 30, 2007 for the limited purpose of arranging for and taking the deposition of Peter Kampian, the former chief financial officer of Algonquin Power Corporation, Inc., Algonquin Power Income Fund, Algonquin Power Fund (Canada), Inc., and/or Franklin Industrial Complex, Inc. (collectively, "Algonquin") in Canada pursuant to Letters Rogatory. Dkt. No. 249. TPI's motion, which is opposed by Algonquin, is made under Rule 59(e) of the Federal Rules of Civil Procedure but has been considered by the court as requesting relief pursuant to Rule 60(b) of the Federal Rules of Civil Procedure and Northern District of New York Local Rule 7.1(g).

Oral argument was conducted in connection with TPI's motion on January 23, 2008. At the close of argument I issued a bench decision granting the motion for reconsideration and extending the fact discovery deadline applicable to TPI until March 31, 2008 for the limited and exclusive purpose of permitting it to pursue the necessary procedures to obtain the deposition testimony of Peter Kampian. Based upon the foregoing and the court's bench decision, which is incorporated herein by reference, it is hereby

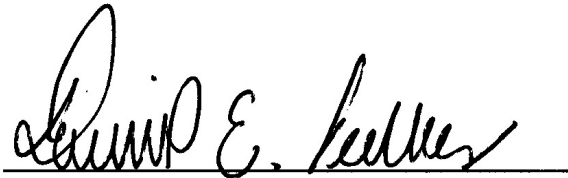
ORDERED, as follows:

- 1) TPI's motion for reconsideration of the court's prior order denying its request for an extension of the fact discovery deadline (Dkt. No. 249) is hereby GRANTED.
- 2) The deadline for TPI to complete fact discovery in this case is hereby extended until March 31, 2008, inclusive, for the sole and exclusive purpose of permitting it to pursue all necessary procedures for securing the deposition testimony of Peter Kampian, the former CFO certain of the Algonquin defendants.
- 3) This extension shall not affect any of the other deadlines currently in place and governing the progression of this matter, which

deadlines are firm and will not be adjusted absent extenuating and unforeseen circumstances.

4) The clerk is directed to promptly forward copies of this order to the parties electronically.

Dated: January 24, 2008
Syracuse, New York

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge